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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ERIC WATSON, ALEX OWEN, FRED  
ROBINSON, STEPHEN BASDEN and  
MICHAEL KRIVAK,

Plaintiffs,

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, a political subdivision of  
the State of Nevada; OFFICER ALAN  
HIRJAK; OFFICER CHRISTOPHER  
BRINKLEY; SGT. P.J. LEEKE; SHERIFF  
BILL YOUNG; and JOHN DOES I-X,

Defendants.

2:04-CV-0937 JCM (RJJ)

Date: N/A

Time: N/A

**ORDER**

Presently before the court is defendant Las Vegas Metropolitan Police Department's motion to dismiss plaintiff Fred Robinson for lack of prosecution. (Doc. #102). Robinson failed to file an opposition.

Pursuant to Federal Rule of Civil Procedure 41(b), "[i]f the plaintiff fails to prosecute . . . a defendant may move to dismiss the action." However, "[d]ismissal is a harsh penalty and is to be imposed only in extreme circumstances." Further, Nevada Local Rule 7-2(d) states that "the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." However, the court will not automatically grant every unopposed motion. In *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995), the Ninth Circuit held that the court

1 had to weigh the following factors before dismissing the action: (1) the public's interest in  
2 expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of  
3 prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and  
4 (5) the availability of less drastic sanctions.

5 Defendants allege that Robinson has not participated in this case for the past three years. The  
6 court finds that the *Ghazali* factors weigh in favor of dismissing plaintiff Fred Robinson. *See*  
7 *Ghazali*, 46 F.3d at 53.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Las Vegas  
10 Metropolitan Police Department's motion to dismiss plaintiff Fred Robinson for lack of prosecution  
11 (doc. #102) be, and the same hereby is, GRANTED.

12 DATED this 20<sup>th</sup> day of December, 2011.

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16 UNITED STATES DISTRICT JUDGE  
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